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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/112,750	07/10/1998	KIA SILVERBROOK	ART08-US	7269

7590 03/20/2003

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AUSTRALIA

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 03/20/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

# Office Action Summary

Application No.

09/112,750

Applicant(s)

SILVERBROOK, KIA

Examiner

LUONG T NGUYEN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 5-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 5-9 filed on 2/12/2003 have been considered and are persuasive. Therefore, the final rejection as made on 12/17/2002 has been withdrawn. However, upon further consideration, a new ground of rejection is made as follow.
2. The substitute specification in Amendment A filed on 9/05/2001 has not been entered. The Examiner apologizes for not notifying this matter in the Office Action made on 11/29/2001. The lengthy listing of "related" applications does not add anything of values to the specification. Oppositely, the listing creates confusion in that it is not clear what, if anything, each is meant to add to the disclosure. The Applicant is free to submit the listing as an information disclosure statement or as an appendix. It is important to note that, absent specific discussion of the cited applications, the documents have not been considered by the Examiner. Therefore, the substitute specification in Amendment A filed on 9/05/2001 will not be entered. The Applicant is requested to make any amendment for the specification based on the original specification filed on July 10, 1998.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki (US 5,502,485).

Regarding claim 5, Suzuki discloses a method of generating a manipulated output image by means of a digital camera, comprising the steps of capturing a focused image using an automatic focusing technique generating focus settings (control part 120 conducts a computation for automatic focusing based on focus output signal (focus settings) which is provided by focus detector 115, figure 1, column 4, lines 10-22); generating a manipulated output image by applying a digital image manipulating process (compression processor 109 compresses and output image to store in memory card 10, figure 1, column 4, lines 10-22); the digital image manipulating process utilizing the focus settings (compression processor 109 conducts data compression at a compressibility corresponding to the output signals of focus detector 115, figure 1, column 4, lines 24-27).

Regarding claim 9, Suzuki discloses wherein the digital image manipulating process selective applies techniques to the focused image utilizing the focus settings (compression processor 109 conducts compression of the image data based on the signals from compression coefficient selector 142 (figure 1, column 5, lines 1-5).

***Claim Rejections - 35 USC § 103***

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US 5,502,485) in view of Anderson (US 5,745,175).

Regarding claim 6, Suzuki fails to specifically disclose wherein the focus settings include a current position of a zoom motor of the digital camera. However, Anderson discloses a method for providing automatic focus control for a digital camera in which focus and exposure settings are determined based on the zoom position which is controlled by zoom motor (figure 2, column 7, lines 60-65, column 5, lines 55-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Suzuki by the teaching of Anderson in order to obtain a digital camera can produce a three-dimension like data set of a scene. In so doing, a picture can be obtained of the scene that is more focused and also has a better exposure overall than known cameras (column 3, lines 40-44).

Regarding claim 7, Anderson discloses said digital image manipulating process includes a step of locating an object within the focused image utilizing the focus settings (motor 46 controls the position of the movable lens group 23 from image sensor to focus (column 5, lines 55-60, column 4, lines 45-50)).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US 5,502,485) in view of Anderson (US 5,745,175) further in view of Watanabe et al. (US 5,835,136).

Regarding claim 8, Suzuki and Anderson fail to specifically disclose a printing mechanism inbuilt into the digital camera. However, Watanabe et al. teaches printer 48 is inbuilt into an electronic printing camera, as shown in figures 1-2. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method in Suzuki and Anderson by the teaching of Watanabe et al. in order to permit a whole structure to be minimized to have portability as well as a low cost fabrication (column 8, lines 22-24).

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
**or faxed to:**

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

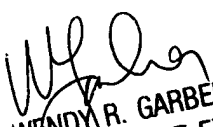
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

LN LN  
3/14/2003

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600